

SEYFARTH SHAW LLP
William J. Dritsas (State Bar No. 097523)
Andrew M. McNaught (State Bar No. 209093)
560 Mission Street, Suite 3100
San Francisco, California 94105
Telephone: (415) 397-2823
Facsimile: (415) 397-8549

Attorneys for Defendant
TURNER CONSTRUCTION COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MELINDA GALARSA,)	USDC Case No. C-07-2354 CRB
)	
Plaintiff,)	California Superior Court, County of
)	Alameda, Case No. RG07316544
vs.)	
)	STIPULATION AND [PROPOSED]
GALLETTI & SONS, INC., TURNER)	ORDER FOR DISMISSAL WITH
CONSTRUCTION COMPANY, DAVID)	PREJUDICE OF PLAINTIFF'S CLAIM
SANDOVAL, and DOES 1 through 10,)	FOR INTENTIONAL INFLICTION OF
Inclusive,)	EMOTIONAL DISTRESS, AND FOR
)	REMAND TO STATE COURT
Defendants.)	

The parties at issue in the above-captioned matter, MELINDA GALARSA, GALLETTI & SONS, INC., and TURNER CONSTRUCTION COMPANY, by and through their attorneys of record, hereby stipulate as follows:

Plaintiff MELINDA GALARSA's claim for Intentional Infliction of Emotional Distress ("IIED") against all Defendants shall be dismissed with prejudice.

Plaintiff's remaining claims are statutory claims based solely on the California Fair Employment & Housing Act ("FEHA"). Without the IIED tort claim, there is no basis for federal jurisdiction based on the L.M.R.A, Section 301 preemption, as set forth in Defendant

1 TURNER CONSTRUCTION'S Notice of Removal, filed on April 30, 2007. Accordingly, the
2 parties stipulate that the case be remanded to state court for adjudication of plaintiff's remaining
3 FEHA claims.

4
5 Respectfully Submitted:

6
7 DATED: June ___, 2007

SEYFARTH SHAW LLP

8
9 By _____
10 William J. Dritsas
Andrew M. McNaught

11 Attorneys for Defendant
12 TURNER CONSTRUCTION COMPANY

13 DATED: June ___, 2007

WINER, MCKENNA & DAVIS, LLP

14
15 By _____
Emile A. Davis

16 Attorneys for Plaintiff
17 MELINDA GALARSA

18 DATED: June ___, 2007

GORDON & REES LLP

19
20 By  _____
Michael T. Lucey
Paula Kutansky-Brown

21 Attorneys for Defendant
22 GALLETTI & SONS, INC.

1 TURNER CONSTRUCTION'S Notice of Removal, filed on April 30, 2007. Accordingly, the
2 parties stipulate that the case be remanded to state court for adjudication of plaintiff's remaining
3 FEHA claims.

4
5 Respectfully Submitted:

6
7 DATED: June __, 2007

SEYFARTH SHAW LLP

8
9 By _____
10 William J. Dritsas
Andrew M. McNaught

11 Attorneys for Defendant
12 TURNER CONSTRUCTION COMPANY
13 WINER, MCKENNA & DAVIS, LLP

14 DATED: June 8, 2007

15 By  _____
Emile A. Davis

16 Attorneys for Plaintiff
17 MELINDA GALARSA

18 DATED: June __, 2007

GORDON & REES LLP

19
20 By _____
21 Michael T. Lucey
Paula Kutansky-Brown

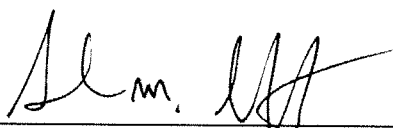
22 Attorneys for Defendant
23 GALLETTI & SONS, INC.

1 TURNER CONSTRUCTION'S Notice of Removal, filed on April 30, 2007. Accordingly, the
2 parties stipulate that the case be remanded to state court for adjudication of plaintiff's remaining
3 FEHA claims.

4
5 Respectfully Submitted:

6
7 DATED: June 12th, 2007

SEYFARTH SHAW LLP

8
9 By 
10 William J. Dritsas
Andrew M. McNaught

11 Attorneys for Defendant
12 TURNER CONSTRUCTION COMPANY

13 DATED: June ___, 2007

WINER, MCKENNA & DAVIS, LLP

14
15 By _____
Emile A. Davis

16 Attorneys for Plaintiff
17 MELINDA GALARSA

18 DATED: June ___, 2007

GORDON & REES LLP

19
20 By _____
Michael T. Lucey
Paula Kutansky-Brown

21 Attorneys for Defendant
22 GALLETTI & SONS, INC.

[PROPOSED] ORDER

Based on the Parties' stipulation, and good cause appearing, Plaintiff's claim for Intentional Infliction of Emotional Distress is hereby DISMISSED WITH PREJUDICE. The case is REMANDED to the California Superior Court, County of Alameda, for adjudication of Plaintiff's remaining statutory claims under the California Fair Employment & Housing Act.

IT IS SO ORDERED.

Dated: _____

Hon. Charles R. Breyer
United States District Judge